

WATCHFIELD PARISH COUNCIL

FRIVOLOUS, VEXATIOUS, ABUSIVE OR PERSISTENT COMPLAINTS POLICY 2023-2024

This policy is to assist Watchfield Parish Council (WPC) deal with anyone who repeatedly complains about the same issue although WPC has replied to the complaint, or who appears to go out of their way to find things to complain about as a means of harassing the council, or who complains in an unreasonable way.

The situation to be addressed

There are times when nothing further can be done to solve a real or perceived problem and continual communication with the person complaining only uses up the limited time and energy available to a Parish Council. This policy is to set out the criteria used by WPC to decide if a complaint should be classed as frivolous or vexatious or abusive or persistent and whether to cease to communicate with the particular complainant.

The policy applies to complainants who seek to disrupt the work of WPC by following an unreasonable course of conduct or repeatedly put in complaints in order to irritate, annoy or cause distress.

How to recognise frivolous, vexatious, abusive or persistent complaints

Complaints may be rejected at any time if, in the reviewer's opinion, they are repetitious or prolific and/or the complainant obsessively pursues unreasonable complaints and/or expects unrealistic outcomes and/or carries out complaints in an unreasonable manner.

They are complaints where any one, or more, of the items below are seen to apply:

- The WPC complaints procedure has been implemented and exhausted and a decision already given to the individual;
- The complainant changes the substance of the complaint or continually raises new issues or seeks to prolong contact by raising further concerns or questions while the complaint is being considered;
- The complainant is unwilling to accept documented evidence given as being factual or deny receipt of any adequate response in spite of communications answering their questions, or refuses to accept WPC decisions;
- The complainant does not clearly identify the precise issues which they wish investigated;
- The complainant focuses on matters which are not sufficiently serious to an extent which is out of all proportion to their importance;
- The complainant has been verbally or physically threatening, offensive or intimidating, in person or in communications whether that be by email or through the council's social media sites, in which case all face to face contact with them will cease at once and communication with the complainant through council run social media will be blocked. Thames Valley Police may be informed;
- The complainant has had an excessive number of contacts with WPC, placing unreasonable demands on time and resources;
- The complainant insists on the complaint being dealt with in ways which are not compatible with the adopted complaints procedure;

- The complainant makes the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insists the minor differences make these 'new' complaints that should be put through the whole complaints procedure;
- The complainant complains about or challenges an issue based on a historic and irreversible decision or incident;
- The complainant makes what appear to be groundless complaints about staff dealing with the complaints and seeks to have them dismissed or replaced;
- The complainants adopt a 'scattergun' approach by pursuing a complaint or complaints with WPC and, at the same time, with a Member of Parliament, elected members of this and other councils, other levels of Local Government, the authority's independent auditor, Standards Board, local police, solicitors, or the Ombudsman;
- The complainant is known to have recorded meetings or face to face contacts or telephone conversations without the prior consent of all parties involved, except where legislation allows;
- The complainant has made unreasonable demands on WPC, for example insisting on responses or enquiries being provided more urgently than is reasonable or necessary;
- The complainant has made unreasonable complaints, where complaints do not have any serious purpose or value, are designed to cause disruption or annoyance, have the effect of harassing WPC, or can otherwise be characterised as obsessive or unreasonable;
- The complainant has made repetitive complaints and allegations which ignore the replies made for and on behalf of WPC in previous communications;
- The complainant is offensive, abusive or threatening in any way.

Actions to take in such cases

WPC will meet in private at the end of a full council meeting to discuss any complaints/complainants that are considered by the Clerk, Chairman and at least two other Parish Councillors to come under the above definitions.

STAGE 1

If it is agreed by the majority of the Council or Complaints Committee that the complaints fall under the required definition, the Clerk will write to the individual to say that their behaviour is considered by WPC to be unreasonable and unacceptable and requests a change of approach. The individual will be sent a copy of this policy at this stage.

STAGE 2

If there is no improvement in behaviour, then WPC will inform the complainant in writing that their behaviour is not acceptable and why. They will be informed that communication from WPC will cease and access to the council's social media pages will be blocked and the period of time for which that will apply before review. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Declining to accept contact with the complainant by telephone, except through a third party
- Declining to accept emails from the complainant to individuals and/ or council employees and insisting they only correspond by letter
- Blocking access by the complainant to council ran social media sites
- Declining access by the complainant to any council premises except by appointment
- Requiring contact to take place with one named staff member only
- Requiring any personal contact to take place in the presence of an appropriate witness
- If behaviour threatens the safety or welfare of staff or councillors, WPC may report the matter to Thames Valley Police or take appropriate legal action

The decision will be reviewed at 6 monthly intervals.

Adopted Minute reference

New complaints

Any further complaints made by the complainant will be examined and those not deemed to be frivolous, vexatious, persistent or abusive will be dealt with in accordance with Watchfield Parish Council's Complaints Procedure.